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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

EMERY DYER,

Plaintiff,

vs.

WALGREEN CO.; DOES I through X; and  
ROE CORPORATIONS I through X,  
inclusive,

Defendant.

CASE NO. 2:21-cv-01739-RFB-DJA

**STIPULATED DISCOVERY PLAN AND**  
**~~PROPOSED~~ SCHEDULING ORDER**

Plaintiff, EMERY DYER, by and through counsel, Michael H. Coggeshall, Esq. of the law firm of GERALD I. GILLOCK & ASSOCIATES, and Defendant WALGREEN CO., by and through its counsel of record, Jason Andrew Fowler, Esq. of RANALLI ZANIEL FOWLER & MORAN, LLC, met and conferred on October 14, 2021 for the purposes of Fed. R. Civ. P. 26(f) and LR 16-1 and 26-1. The Parties hereby submit their stipulated discovery plan and proposed scheduling order pursuant to Federal Rule of Civil Procedure 16 and 26 and LR 16-1 and 26-1. Mr. Dyer alleges he suffers from personal injuries to his body and mind stemming from an injection administered at Walgreen's.

The parties are requesting the standard discovery pursuant to Fed. R. Civ. P. 26.

**1. Initial Disclosures (Fed. R. Civ. P. 26(f)(3)(A)):**

The parties have stipulated that they will make their Initial Disclosures on or before **Thursday, October 28, 2021**, which is 14 days from the date of the parties' Rule 26(f) conference.

**2. Subjects on Which Discovery May Be Needed (Fed. R. Civ. P. 26(f)(3)(B)):**

Discovery will be limited to non-privileged issues relevant to the scope of the pleadings and proportional to all claims and defenses presented therein.

**3. Discovery Cut-Off Date (LR 26-1(b)(1)):**

Defendant first appeared in this action on September 20, 2021 by filing its Answer. The Parties request that their fact discovery period end on **Thursday, April 14, 2022**.

**4. Amendments to Pleadings: Adding Parties (LR 26-1(b)(2)):**

The last day to file motions to amend pleadings or add parties shall be **Friday, January 14, 2022**, which is 90 days prior to the close of discovery.

**5. Expert Witnesses (LR 26-1(b)(3)):**

The last day to disclose initial expert witnesses is **Monday, February 13, 2022**, which is 60 days before the discovery cutoff. Rebuttal expert witnesses shall be disclosed no later than **Wednesday, March 16, 2022**.

**6. Dispositive Motions (LR 26-1(b)(4)):**

The last day to file and serve dispositive motions shall be **Monday, May 15, 2022**, which is 30 days after the discovery cutoff.

**7. Pretrial Order (LR 26-1(b)(5)):**

In the event no dispositive motions are filed, the parties shall submit a proposed pre-trial order on or before **Tuesday, June 14, 2022**, which is 30 days after the dispositive motion deadline. In the event dispositive motions are filed, the proposed joint pre-trial order shall be submitted within 30 days after decision on the dispositive motions or as further ordered by the Court.

**8. Pretrial Disclosures (LR 26-1(b)(6)):**

The parties shall make the pretrial disclosures required by FRCP 26(a)(3) at least 30 days before trial. Objections to pretrial disclosures must be made no later than 14 days thereafter.

**10. Proposed modifications to Discovery Rules or Process (Fed. R. Civ. P. 26(f)(3)(B) and (E)).**

1 The parties do not propose any modifications to the discovery rules or the usual discovery  
2 process.

3 **11. Electronic Discovery (Fed. R. Civ. P. 26(f)(3)(C)).**

4 The parties stipulate and agree that all discoverable documents will be produced either on CD-  
5 ROM or via electronic transmission in Portable Document Format (“PDF”) as reasonably practicable,  
6 or other agreed upon production formats.

7 This agreement only determines the format in which the parties produce documents; it does  
8 not affect any other right of any party. The parties reserve the right to supplement this order with an  
9 ESI protocol.

10 **12. Inadvertent Disclosure/Claw Back:**

11 The parties do not anticipate that this case will involve unusual issues relating to claims of  
12 privilege or of protection. The parties have discussed the potential that certain discovery may be  
13 subject to protection as Sensitive Security Information and will work collaboratively to address those  
14 issues if they arise, without court intervention if possible. To the extent that the claims of privilege  
15 or protection arise at a later date, the parties will attempt to agree on a procedure to assert these claims  
16 prior to seeking court intervention.

17 ~~**13. Interim Status Report**~~

18 ~~The parties interim status report required by LR 26-3 will be filed no later than Monday, June~~  
19 ~~13, 2022, which is 60 days before the discovery cutoff.~~

20 **Required Certifications.**

21 **14.** Pursuant to District of Nevada Local Rule 26-1(b)(7), the parties certify that they have  
22 conferred about the possibility of using alternative dispute-resolution processes including mediation,  
23 arbitration, and if applicable, early neutral evaluation.

24 **15.** Pursuant to District of Nevada Local Rule 26-1(b)(8), the parties certify that they  
25 considered consent to trial by magistrate judge under 28 USC §636(c) and Fed. R. Civ. P. 73 and the  
26 use of the Short Trial Program (General Order 2013-01).

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16. Pursuant to District of Nevada Local Rule 26-1(b)(9), the parties certify that they have discussed whether they intend to present evidence in electronic format to jurors for purpose of deliberations.

DATED this 28th day of October, 2021.

<p>GERALD I. GILLOCK &amp; ASSOCIATES</p> <p>By: <u>/s/ Michael H. Coggeshall</u>                      Gerald I. Gillock, Esq.                      Nevada Bar No. 51                      Michael H. Coggeshall, Esq.                      Nevada Bar No. 14502                      428 South 4<sup>th</sup> Street                      Las Vegas, NV 89101  <i>Attorneys for Plaintiff</i></p>	<p>RANALLI ZANIEL FOWLER &amp; MORAN, LLC</p> <p>By: <u>/s/ Jason Andrew Fowler</u>                      George M. Ranalli, Esq.                      Nevada Bar No. 5748                      Jason Andrew Fowler, Esq.                      Nevada Bar No. 8071                      James F. Holtz, Esq.                      Nevada Bar No. 8119                      Vicki Driscoll, Esq.                      2340 W. Horizon Ridge Pkwy., Suite 100                      Henderson, Nevada 89052  <i>Attorney for Defendant</i></p>
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**IT IS ORDERED** that the parties' stipulation is **GRANTED IN PART** with the exception of the interim status report deadline, which is no longer required by the Local Rules.



DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE

DATED: November 3, 2021

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